

MAY - 3 2004

OFFICIAL

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/412,969
 Applicant : Jennie CHING et al.
 Filed : October 5, 1999
 TC/A.U. : 2611
 Examiner : Jason J. CHUNG
 Docket No. : BC9-99-024
 Customer No. : 23334

Confirmation No. 1335

VIA FACSIMILE (703) 872-9306

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450
Attention: Examiner Jason J. CHUNG

RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.116

Sir:

The following amendment is being submitted in response to the Final Office Action dated February 2, 2004, the three month date for response which is May 3, 2004 (the first business day after May 2, 2004) in connection with the above-identified application. Please enter and consider the following amendment and remarks as follows:

Table Of Contents For Each Section Of this Response

IN THE CLAIMS	2
FINAL OFFICE ACTION IS INAPPROPRIATE IN VIEW OF NEWLY CITED ART LINDSTROM	10
REMARKS	12
CONCLUSION	14

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date May 3 2004 By: Karen Taragowski Signature: [Signature]
 Applicant, Assignee, or Representative

BC9-99-024

Page 1 of 16

09/412,969

**FLEIT, KAIN,
GIBBONS, GUTMAN
BONGINI & BIANCO P.L.**
ATTORNEYS AT LAW

Miami • Fort Lauderdale • Boca Raton

Fleit, Kain, Gibbons, Gutman,
Bongini & Bianco P.L.
551 NW 77th Street, Suite 111
Boca Raton, Florida 33487
Telephone: (561) 989-9811
Facsimile: (561) 989-9812
writer's e-mail: jgibbons@FocusOnIP.com

TELECOPIER TRANSMITTAL FORM

**RECEIVED
CENTRAL FAX CENTER**

DATE: May 3, 2004
TO: Examiner Jason J. Chung
FIRM: USPTO, Group Art Unit 2611
FAX #: (703) 872-9306
PHONE: (703) 305-7362
FROM: Jon A. Gibbons

**TOTAL NUMBER OF PAGES: 18
(INCLUDING THIS PAGE)**

MAY - 3 2004

OFFICIAL

IF YOU DO NOT RECEIVE ALL PAGES CLEARLY, PLEASE CONTACT US IMMEDIATELY

MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jennie CHING et al.

Serial No.: 09/412,969

For: *DYNAMIC COMPOSITION AT THE SET-TOP BOX*

Enclosed are the following:

Transmittal letter (1 pg.); and Response and Amendment (16 pgs.)

Docket No.: BC9-99-024

120-A99-137

May 3, 2004

CONFIDENTIALITY NOTE: THE INFORMATION CONTAINED IN THIS TRANSMISSION IS LEGALLY PRIVILEGED AND CONFIDENTIAL, INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE LISTED ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR POSTAGE AND/OR TELEPHONE EXPENSES INVOLVED. THANK YOU.

"Focus on IP"

www.FocusOnIP.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Atty. Docket No. BC9-99-024
 Jennie CHING, et al. : Group Art Unit: 2611
 Serial No. 09/412,969 : Examiner: Jason J. Chung
 Filed: October 5, 1999 : Confirmation No. 1335
 For: DYNAMIC COMPOSITION AT THE SET-TOP BOX

TRANSMITTAL

MAIL STOP AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application, and the following:

☐ (insert description of additional enclosures)

☒ No additional filing fee is required.

The fee has been calculated as shown below. (Small entity fees indicated in parentheses.)


CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Claims Remaining After Amendment		Highest Number Previously Paid For	Extra Claims	Rate	Fee
Total Claims (Small Entity)	33	-	33	0	18.00 (9.00)	0
Independent claims (Small Entity)	4	-	4	0	86.00 (43.00)	0
Multiple Dependent (Small Entity)	0	-	0	0	290.00 (145.00)	0
Extension of Time Fee (Small Entity)	One Month \$110 (\$55)		Two Months \$420 (\$210)	Three Months \$950 (\$475)		0
Total						\$0.00

XX The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 09-0452.

Respectfully submitted,

Date: 5/2/04

By:


 Jon A. Gibbons
 Reg. No. 37,333

Customer No. 23334
 Fleit, Kain, Gibbons, Gutman, Bongini & Bianco P.L.
 551 NW 77th Street, Suite 111
 Boca Raton, Florida 33487
 Telephone: (561) 989-9811
 Facsimile : (561) 989-9812